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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Serial No. 10/753,423

Group Art Unit: 3726

Applicant: Jim Pratt

Examiner: Hong, John C

Filing Date: January 9, 2004

Attorney's Ref.: 1315-10/JLW

Title: GUARD RAIL SYSTEM

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314
U.S.A.

Dear Sir:

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

The owner*, Compos-A-Tron Mfg. Inc., owner of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,702,259, granted on March 9, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of U.S. Patent No. 6,702,259 may be shortened by any terminal disclaimer filed prior to its grant. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,702,259 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of U.S. Patent No. 6,702,259, as the term of U.S. Patent No. 6,702,259 may be shortened by any terminal disclaimer filed prior to its grant, in

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- 2 -

October 21, 2005

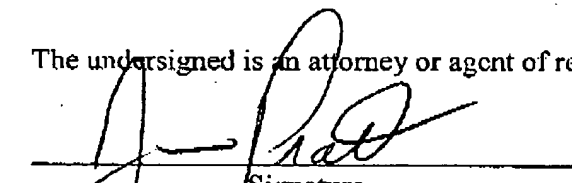
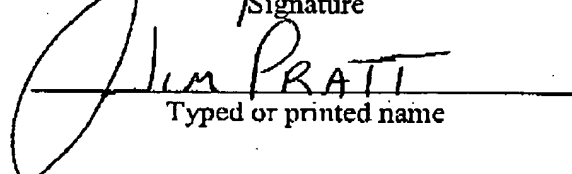
the event that: U.S. Patent No. 6,702,259: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

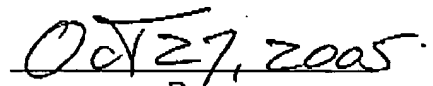
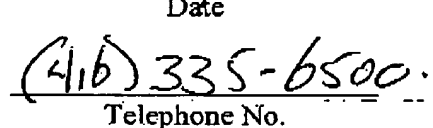
Check either box 1 or 2 below, if appropriate.

- ☒ 1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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